General Assembly **Substitute Bill No. 6571**

January Session, 2005 *____HB06571HS_APP032405___*

AN ACT CONCERNING THE AVAILABILITY OF MAINTENANCE DRUGS UNDER THE CONNPACE PROGRAM.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 17b-491 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2005*):

(a) There shall be a "Connecticut Pharmaceutical Assistance Contract to the Elderly and the Disabled Program" which shall be within the Department of Social Services. The program shall consist of payments by the state to pharmacies for the reasonable cost of prescription drugs dispensed to eligible persons minus a copayment charge. The pharmacy shall collect the copayment charge from the eligible person at the time of each purchase of prescription drugs, and shall not waive, discount or rebate in whole or in part such amount. Except for a replacement prescription dispensed pursuant to section 17b-492, the copayment for each prescription shall be as follows:

(1) Sixteen dollars and twenty-five cents if the participant is (A) not married and has an annual income of less than twenty thousand three hundred dollars, or (B) married and has an annual income that, when combined with the participant's spouse, is less than twenty-seven thousand five hundred dollars.

(2) Upon the granting of a federal waiver to expand the program in

accordance with section 17b-492, the copayment shall be twenty dollars for a participant who is (A) not married and has an annual income that equals or exceeds twenty thousand three hundred dollars, or (B) married and has an annual income that, when combined with the participant's spouse, equals or exceeds twenty-seven thousand five hundred dollars.

(b) On January 1, 2002, and annually thereafter, the commissioner shall increase the income limits established in subsection (a) of this section that set the appropriate participant copayment by the increase in the annual inflation adjustment in Social Security income, if any. Each such adjustment shall be determined to the nearest one hundred dollars.

(c) Notwithstanding the provisions of subsection (a) of this section, effective September 15, 1991, payment by the state to a pharmacy under the program may be based on the price paid directly by a pharmacy to a pharmaceutical manufacturer for drugs dispensed under the program minus the copayment charge, plus the dispensing fee, if the direct price paid by the pharmacy is lower than the reasonable cost of such drugs.

(d) Effective September 15, 1991, reimbursement to a pharmacy for prescription drugs dispensed under the program shall be based upon actual package size costs of drugs purchased by the pharmacy in units larger than or smaller than one hundred.

(e) The commissioner shall establish an application form whereby a pharmaceutical manufacturer may apply to participate in the program. Upon receipt of a completed application, the department shall issue a certificate of participation to the manufacturer. Participation by a pharmaceutical manufacturer shall require that the department shall receive a rebate from the pharmaceutical manufacturer. Rebate amounts for brand name prescription drugs shall be equal to those under the Medicaid program. Rebate amounts for generic prescription drugs shall be established by the commissioner, provided such

amounts may not be less than those under the Medicaid program. A participating pharmaceutical manufacturer shall make quarterly rebate payments to the department for the total number of dosage units of each form and strength of a prescription drug which the department reports as reimbursed to providers of prescription drugs, provided such payments shall not be due until thirty days following the manufacturer's receipt of utilization data from the department including the number of dosage units reimbursed to providers of prescription drugs during the quarter for which payment is due.

(f) All prescription drugs of a pharmaceutical manufacturer that participates in the program pursuant to subsection (e) of this section shall be subject to prospective drug utilization review. Any prescription drug of a manufacturer that does not participate in the program shall not be reimbursable **[**,**]** unless the department determines the prescription drug is essential to program participants.

(g) On and after July 1, 2005, the commissioner shall allow any eligible person to obtain a maintenance drug in a ninety-day supply if (1) the ninety-day supply is authorized by a licensed practitioner, and (2) the individual has obtained an initial supply of the maintenance drug under the program. Nothing in this section shall prohibit an eligible person from obtaining a maintenance drug in any other amount permitted under the program. As used in this section, "maintenance drug" means a prescription drug designated as a maintenance drug by the commissioner but does not include a schedule II controlled substance.

Sec. 2. Section 17b-494 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2005*):

The Commissioner of Social Services shall adopt regulations, in accordance with the provisions of chapter 54, to establish (1) a system for determining eligibility and disqualification under the program, including provisions for an identification number and a renewable, nontransferable identification card; (2) requirements for the use of the

identification number and card by the pharmacy and the eligible person; (3) a system of payments; (4) limitations on the maximum quantity per prescription which shall not exceed (A) with respect to any refill of a maintenance drug, a ninety-day supply or one hundred twenty oral dosage units, whichever is greater, or (B) with respect to any prescription that is not subject to subparagraph (A) of this subdivision a thirty-day supply or one hundred twenty oral dosage units whichever is greater; (5) requirements as to records to be kept by the pharmacy, including patient profiles; (6) products prescribed for cosmetic and other purposes which shall not be covered under the program; and (7) such other provisions as are necessary to implement the provisions of sections 17b-490 to 17b-495, inclusive.

Sec. 3. Section 17b-362 of the general statutes is repealed. (*Effective July 1, 2005)*

This act shall take effect as follows and shall amend the following sections:		
Section 1	*July 1, 2005*	17b-491
Sec. 2	*July 1, 2005*	17b-494
Sec. 3	*July 1, 2005*	17b-362 repealed

AGE	*Joint Favorable Subst. C/R*	HS
HS	*Joint Favorable C/R*	APP